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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,439	06/29/2001	Li Zhang	BS00-282	5284

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EXAMINER
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SUAZO, RAINIER A

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/893,439

Applicant(s)

ZHANG ET AL.

Examiner

Rainier Suazo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This application has been examined. Claims 1-26 presented for examination.

#### ***Objections***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 25 recites the limitation "an e-center". It is not clear what the applicant refers to as "an e-center" to the light of the disclosure presented for examination, therefore no reasonable meaning can be ascribed to this particular limitation. As per MPEP 2143.03 (2<sup>nd</sup> paragraph), for the purpose of examination e-center was interpreted to be an apparatus or facility equipped with an apparatus, wherein the apparatus is providing access to networks or hosting other services and wherein the apparatus provides, if required, control over the services it hosts or to which it provides access to.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 10-18, 20-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins (U.S. Patent Number 6,173,326 B1) hereinafter referenced to as Collins in view of Howard et al. (U.S. Patent Number 6,601,086 B1) hereinafter referenced to as Howard.

Regarding claims 1, 12 and 23-25, Collins taught a system for converged service creation and execution, the system comprising: an application server (NASP host on fig. 3 and 4 and column 6 pages 9-29); service session manager or manager logic, the service session manager or manager logic in communication/coupled with the application server (column 2 lines 7-15, column 4 lines 62-64 and column 17 lines 6-10) or a data network to which the Collins' NASP explicitly attached (fig. 3 [310]); a converged service creation and execution environment messaging bus, the converged service creation and execution environment messaging bus in communication with the service session manager (or manager logic) (fig. 1 [110, 1120 and 130], fig. 3 [303] and column 1 lines 38-48); and a plurality of service servers or server farm, the plurality of service servers or server farm (abstract, column 1 lines 7-15, column 2 lines 21-27).

Specifically regarding claim 23, it is noted that service session manager or manager logic represents means for managing a service session and therefore are taught by Collins.

Specifically regarding claim 25, Collins taught an e-center, the e-center coupled to the means for interfacing a service application; and applications coupled to the e-center (fig. 8). As per MPEP 2143.03 (2<sup>nd</sup> paragraph), for the purpose of examination e-center was interpreted to be an apparatus or facility equipped with an apparatus, wherein the apparatus is providing access to networks or hosting other services and wherein the apparatus provides, if required, control over the services it hosts or to which it provides access to.

Collins taught the invention substantially as claimed, however, Collins did not explicitly teach a plurality of service servers in communication with a the messaging bus and a plurality of network service applications coupled to the e-center.

Collins taught information providers selectable by the end-user (column 1 lines 49-52 and column 2 lines 22-27), which motivates the exploration of the art accordingly to properly interact with the information providers.

Howard taught a plurality of information providers (30 on fig. 10) connectable and in communication with a host computer (fig 1 and 10) in order to provide access to services and a plurality of network service applications coupled to the e-center (column 3 lines 39-44). For more details see abstract, column 3 lines 1 to 44, column 5 lines 6-11, column 6 lines 18-36, column 10 lines 32-39, fig. 1, 7, 9 and 10.

Collins and Howard disclosed inventions related to similar fields of invention regarding the provisioning and control of access to services.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the systems of Collins with the teachings of Howard to provide a system wherein the information providers are represented by a plurality of service servers coupled to a

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central provider to obtain the claimed invention, since Collins motivated by the exploration of the art with teachings regarding selectable information providers (column 1 lines 49-52 and column 2 lines 22-27).

Regarding claims 2-6 and 15, Collins taught a system further comprising a proprietary and open application programming interface selected from the group consisting of an open broadband service application programming interface and an open narrowband service application programming interface, further comprising a plurality of open application programming interfaces and the plurality of open application programming interfaces include an open broadband service application programming interface and an open narrowband service application programming interface (column 5 lines 21-34, column 8 lines 21-39, [narrowband] column 8 lines 40-51, column 8 lines 52-62 and column 9 lines 41-51).

It is also noted that application program(ming) interface implementations include communication protocol stack that are inherited in network communications. See Newton's Telecom Dictionary 18<sup>th</sup> Edition, published on 2002, page 56.

Regarding claim 7, Collins, taught the use of a softswitch (column 8 lines 39-51, column 12 lines 26-67 and column 13 lines 1-48). See softswitch definition on Newton's Telecom Dictionary 18<sup>th</sup> Edition, published on 2002, page 683.

Regarding claims 10, 16 and 22, Collins taught the provisioning of softswitch (column 8 lines 39-51, column 12 lines 26-67 and column 13 lines 1-48) and media related transmission network access services (column 5 lines 4-9) and billing services (column 5 lines 14-21) each service inherits application program interfaces to handle request and further provide the services it is intended for.

Regarding claims 11, 17 and 26, Collins taught the invention substantially as claimed, however did not explicitly teach details regarding a network portal.

Howard taught a network portal, the network portal coupled to the service session manager; and a plurality of network applications, the plurality of network applications coupled to the network portal (column 13 lines 24-38).

Collins taught information providers selectable by the end-user (column 1 lines 49-52 and column 2 lines 22-27), which motivates the exploration of the art accordingly to properly interact with the information providers. Collins provided further motivation to explore the art stating, "...there is a great need for a broadband/narrowband information provision and reception network that allows a multiplicity of end-users to more conveniently and efficiently obtain customer unique access and select at will from a broad range of service and/or information providers." (column 4 lines 13-19).

Collins and Howard disclosed inventions related to similar fields of invention regarding providing and controlling access to service provisioning.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made and armed with the teachings of Howard to combine the systems of Collins with other teachings found on Howard such as a web server serving HTML pages or the like to obtain the claimed invention.

Regarding claims 13, 14, 18, 20, 21 and 27-30, Collins taught the invention substantially as claimed, however did not explicitly teach details regarding:

- a. a customer integrated access device coupled to the network and receiving a user applet and including a user agent and receiving a user applet from the network portal.
- b. a residential gateway or an Internet protocol appliance acting as a customer integrated access device.

Regarding claims 13, 14, 18 and 27-30, Howard taught a customer integrated access device coupled to the data network, wherein the customer integrated access device includes a user agent (column 6 lines 37-58, fig. 1) in the form of a data collector 32 that gathers information with help of a service provider therefore depicting two agent behaviors (data collector communicating with service provider which communicates with embedded devices) acting on behalf of an end user of the data collector. Howard also taught the limitation in a different form (column 3 lines 22-36) explaining steps of a method processing a request from an embedded device (inherently created by a messaging agent or the like at the embedded device). Howard also taught detailed descriptions of embodiments of the system and method of figure 1 to update computer program code (applet) of an embedded device (column 5 lines 5-11) and embedded device receiving digital information from a web server (column 6 lines 28-30).

Regarding claims 20 and 21, Howard taught the residential gateway, an Internet Protocol appliance as a customer integrated access device (fig. 1, 7, and 9). Howard gives an example that inherits the use of Internet Protocol in column 6 lines 28-30 and a residential gateway in column 10 lines 33-52.

Collins taught information providers selectable by the end-user (column 1 lines 49-52 and column 2 lines 22-27), which motivates the exploration of the art accordingly to properly interact with the information providers. Collins provided further motivation to explore the art stating,



“...there is a great need for a broadband/narrowband information provision and reception network that allows a multiplicity of end-users to more conveniently and efficiently obtain customer unique access and select at will from a broad range of service and/or information providers.” (column 4 lines 13-19). Collins and Howard disclosed inventions related to similar fields of invention regarding providing and controlling access to service provisioning.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made and armed with the teachings of Howard to combine the systems of Collins with other teachings found on Howard such as a embedded device receiving code and coupled to the network and loaded with programs-acting-on-behalf-of a user (agent), a gateway computer 84 (residential gateway or IP appliance) providing access to service providers including a web server or the like to obtain the claimed inventions.

4. Claims 8, 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins (U.S. Patent Number 6,173,326 B1) hereinafter referenced to as Collins in view of Howard et al. (U.S. Patent Number 6,601,086 B1) hereinafter referenced to as Howard and further in view of Vaman et al. (U.S. Patent Publication Number US 2002/0055990 A1) hereinafter referenced to as Vaman.

Regarding claims 8, 9 and 19, Collins combined with Howard taught the invention substantially as claimed; however, neither Collins nor Howard did explicitly taught:

- a. a plurality of service servers in communication with a the messaging bus including a quality of service server or a conference service server wherein the plurality of services servers include two or more service servers selected from a particular group.
- b. A customer integrated access device, which is a personal computer.

Regarding claim 8, Vaman taught a method and apparatus for ensuring end-to-end QoS for user applications operating in multi-transport protocol environments. Vaman effectively integrated QoS into application servers therefore depicting servers providing QoS services (abstract, and fig. 3) and furthermore teaching connections with a plurality of servers (page 2 paragraph 4 and page 3 paragraph 9 lines 7-12).

Regarding claim 9, by definition QoS is typically applied in the art in bandwidth demanding/sensitive environment such as video conferencing. See Newton's Telecom Dictionary 18<sup>th</sup> Edition, published on 2002, pages 159 and 603-604.

Collins and Howard disclosed inventions related to similar fields of invention regarding the provisioning and control of access to services.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the systems of Collins with the teachings of Howard to provide a system wherein the information providers are represented by a plurality of service servers and further combine the teachings of Collins and Howard with the teachings of Vaman to either integrate QoS procedures into every service provider server that required such services or into a separate server (dedicated device or apparatus), wherein one of the service servers is providing conference services or any other bandwidth demanding/sensitive service.

Regarding claim 19, in a similar field of invention, Vaman taught a customer integrated access device, which is a personal computer (fig. 2). Clearly depicting the fact that the use of a workstation computer was well known in the art at the time the invention was made.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made and armed with the acquired knowledge from Vaman teachings to further combine the

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system of Collins combined with Howard with other teachings of Vaman, such as a workstation computer performing a client role to obtain the claimed invention.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO -892 form for details.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rainier Suazo whose telephone number is (571) 272-3931 or (703) 305-3887. The examiner can normally be reached on Monday through Friday, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571) 272-3925 or (703) 308-3873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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